

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

BARK,

3:12-CV-01656-AC

Plaintiff,

ORDER

v.

BUREAU OF LAND MANAGEMENT,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#53) on December 18, 2013, in which he recommends the Court deny Plaintiff's Motion (#18) for Summary Judgment, grant Defendant's Cross-Motion (#30) for Summary Judgment, and enter a judgment dismissing this matter with prejudice. Plaintiff filed timely Objections to the Findings and

Recommendation The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

In Plaintiff's Objections Plaintiff reiterates the arguments contained in Plaintiff's Memorandum in Support of Plaintiff's Motion for Summary Judgment, Response in Opposition (to Defendant's Cross-Motion for Summary Judgment) and Reply in Support of Plaintiff's Motion for Summary Judgment, and stated at oral argument. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation.

The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#53), **DENIES** Plaintiff's Motion (#18) for Summary Judgment, **GRANTS** Defendant's Cross-Motion (#30) for Summary

Judgment, and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 19<sup>th</sup> day of February, 2014.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge